

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ABDO ALRADAI	PLAINTIFF/COUNTER DEFENDANT
VERSUS	CIVIL ACTION NO. 5:06cv66-DCB-JMR
RIVERHILLS BANK	DEFENDANT/COUNTER PLAINTIFF

ORDER TO SHOW CAUSE

This matter comes before the Court on Riverhills Bank's Motion for Summary Judgment [**docket entry no. 36**], Motion for Summary Judgment on Riverhill Bank's Counterclaims [**docket entry no. 43**], Motion for Leave to File Excess Pages with Regard to Memorandum of Authorities [**docket entry no. 45**], Motion for Attorney Fees [**docket entry no. 47**], and Motion for Leave to File Excess Pages as to Docket Entries 44 and 48 [**docket entry no. 49**]. Having reviewed the Motions, Memorandums of Law, applicable statutory and case law and being otherwise fully advised as to the premises, the Court finds and orders as follows:

On April 21, 2006, Abdo Alradai filed suit in this Court against Riverhills Bank. The plaintiff, a native of Yemen, alleged in his verified complaint that Riverhills Bank violated the Equal Opportunity Credit Act by allegedly denying him a \$22,000.00 loan because of his nationality. On August 23, 2006, Riverhills Bank answered the complaint and brought a counterclaim against Alradai for malicious prosecution and for allegedly violating the Mississippi Litigation Accountability Act, Mississippi Code Section

11-55-1, *et seq.*

As the suit progressed, the plaintiff's counsel repeatedly ignored conference calls with the Court and Chief Magistrate Judge John Roper's orders regarding Rule 26 disclosures. On February 16, 2007, without having received a response from the plaintiff to two separate Orders to Show Cause, Judge Roper entered a Report and Recommendation ("R&R") [docket entry no. 34], wherein he recommended that Alradai's claims be dismissed without prejudice for failure to prosecute. In his R&R, Judge Roper informed the plaintiff that he had a right to object to the R&R within ten days of receiving it. On March 12, 2007, after fully reviewing Judge Roper's R&R, the Court adopted the R&R as the opinion of this Court [docket entry no. 42].

Riverhills has filed five motions which are currently pending before the Court: (1) a motion for summary judgment on all of Alradai's claims [docket entry no. 36], (2) a motion for summary judgment on its malicious prosecution counterclaim [docket entry no. 43], (3 and 4) two motions for leave to file excess pages [docket entry nos. 43, 49], and (5) a motion for attorney fees pursuant to the Mississippi Litigation Accountability Act ("MLAA") [docket entry no. 47]. Alradai has failed to respond to any of these motions.

Three of Riverhills' motions do not require a response. Inasmuch as Alradai's claims have been dismissed, Riverhills'

motion for summary judgment on Alradai's claims [docket entry no. 36] is moot. Riverhills' motions for leave to file excess pages [docket entry nos. 45, 49] are granted. See Unif. L.R. S.D. Miss. 7.2(C) (2) (stating that the Court may grant any motion, other than a motion for summary judgment, not responded to within the allotted time).

Alradai should respond, however, to Riverhills' motion for summary judgment on its malicious prosecution claim [docket entry no. 43]. Alradai should also respond to Riverhills' motion for attorney fees pursuant to the MLAA [docket entry no. 47]. Moreover, Alradai is warned that failure to respond may result in judgment being entered in Riverhills' favor. Accordingly,

IT IS HEREBY ORDERED that Alradai respond to Riverhills' Motion for Summary Judgment [**docket entry no. 43**],

IT IS FURTHER ORDERED that Alradai respond to Riverhills' Motion for Attorney Fees [**docket entry no. 47**],

IT IS FURTHER ORDERED that Alradai respond to this Order and show cause why judgment should not be entered in Riverhills' favor within ten (10) days of entry of this Order, and Riverhills may reply five (5) days thereafter.

IT IS FURTHER ORDERED that Riverhills' Motion for Summary Judgment [**docket entry no. 36**] is **MOOT**,

IT IS FURTHER ORDERED that Riverhills' Motions for Leave to File Excess Pages [**docket entry nos. 45, 49**] are **GRANTED**.

SO ORDERED, this the 10th day of May, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE